

**S.R. 170** - By Lucio: Commending Bristol-Myers Squibb Company for its work on behalf of the health and welfare of the people of Texas.

**S.R. 171** - By Lucio: Commending CIBA-GEIGY Pharmaceuticals Division for its work on behalf of the health and welfare of the people of Texas.

**S.R. 172** - By Lucio: Commending Pharmavite Corporation for its work on behalf of the health and welfare of the people of Texas.

**S.R. 173** - By Lucio: Commending Marion Merrell Dow, Incorporated, for its work on behalf of the health and welfare of the people of Texas.

**S.R. 174** - By Lucio: Commending Food Hold USA, Incorporated, for its work on behalf of the health and welfare of the people of Texas.

**S.R. 175** - By Lucio: Commending Pfizer Pharmaceuticals for its work on behalf of the health and welfare of the people of Texas.

**S.R. 176** - By Lucio: Commending the Council for Responsible Nutrition for its work on behalf of the health and welfare of the people of Texas.

**S.R. 178** - By Parker: Recognizing Kathy Ungerer for her selection in November 1992 as the Texas Elementary Teacher of the Year.

**S.R. 179** - By Parker: Congratulating the Honorable David Aden Dunn of Orange on the occasion of his 51st birthday.

**S.R. 180** - By Parker: Welcoming foreign exchange students Martine Savard of Canada, Martin Juul of Denmark, Lisbet Franson of Sweden, and Christian Johannesdotter of Germany.

#### **ADJOURNMENT**

On motion of Senator Harris of Dallas, the Senate at 11:35 a.m. adjourned until 11:00 a.m. tomorrow.

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#### **APPENDIX**

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#### **REPORTS OF STANDING COMMITTEE**

The following committee reports were received by the Secretary of the Senate:

February 8, 1993

STATE AFFAIRS — S.B. 202, S.B. 121 (Amended), C.S.S.B. 137

#### **TWELFTH DAY**

(Tuesday, February 9, 1993)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

Relating to the payment of certain laborers, workers, and mechanics under public works contracts.

**S.B. 281** by Wentworth Health and Human Services  
Relating to exempting certain facilities from licensure under the Personal Care Facility Licensing Act.

**S.B. 282** by Leedom Intergovernmental Relations  
Relating to the fees for services rendered by justices of the peace.

**S.B. 283** by Armbrister Finance  
Relating to the collection of the motor vehicle sales tax on a motor vehicle sold using seller financing.

**S.B. 284** by Shelley Health and Human Services  
Relating to the definition of a dependent child for the purpose of eligibility for AFDC.

**S.B. 285** by Ellis, Whitmire Criminal Justice  
Relating to change of venue in criminal cases.

**S.B. 286** by Ellis, Moncrief Health and Human Services  
Relating to the creation of the HIV/AIDS Interagency Coordinating Council.

**S.B. 287** by Ellis, Shapiro Criminal Justice  
Relating to the offense of employment harmful to a person younger than 21 years of age.

**S.B. 288** by Whitmire Criminal Justice  
Relating to the authority of a justice of the peace to order community service in satisfaction of fine or costs.

**S.B. 289** by Montford Intergovernmental Relations  
Relating to participation and credit in, contributions to, and benefits and administration of the Texas County and District Retirement System.

(Senator Montford in Chair)

#### PROCLAMATION FROM THE GOVERNOR

The following Proclamation from the Governor was read and was filed with the Secretary of the Senate:

#### PROCLAMATION BY THE GOVERNOR OF THE STATE OF TEXAS

TO ALL TO WHOM THESE PRESENTS SHALL COME:

TO THE MEMBERS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE SEVENTY-THIRD LEGISLATURE, REGULAR SESSION:

Pursuant to Article III, Section 5, of the Texas Constitution, I, Ann W. Richards, Governor of the State of Texas, submit the following emergency matter for the immediate consideration by the 73rd Legislature, now convened:

legislation related to the validation of governmental acts and proceedings by municipalities.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at my office in the City of Austin, on this the 8th day of February, 1993.

/s/Ann W. Richards  
Governor of Texas

Attest:

/s/John Hannah, Jr.  
Secretary of State

**MESSAGE FROM THE GOVERNOR**

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas  
February 8, 1993

TO THE SENATE OF THE SEVENTY-THIRD LEGISLATURE,  
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE A MEMBER OF THE TEXAS SABINE RIVER COMPACT  
COMMISSION for a term to expire July 12, 1998:

DANNY A. CHOATE  
8400 Chaucer  
Orange, Texas 77630

Mr. Choate is being reappointed.

TO BE A MEMBER OF THE TEXAS PUBLIC FINANCE AUTHORITY  
BOARD OF DIRECTORS for a term to expire February 1, 1999:

PETER C. LEWIS  
6322 N. Jim Miller Road  
Dallas, Texas 75228

Mr. Lewis is being reappointed.

TO BE BRANCH PILOTS FOR GALVESTON BAR AND THE HOUSTON  
SHIP CHANNEL for terms to expire January 15, 1997:

ALLAN R. BARRY  
15006 Trowbridge Court  
Houston, Texas 77062

Captain Barry is being reappointed.

LANCE A. MILLER  
1306 El Dorado  
Houston, Texas 77062

Captain Miller is being reappointed.

TO BE BRANCH PILOTS FOR THE PORTS OF GALVESTON COUNTY  
for terms to expire January 31, 1997:

JAMES R. BORUP  
3302 Lazy Lane  
La Marque, Texas 77568

Captain Borup is being reappointed.

NATHAN R. BRANCH  
409 21st Avenue N.  
Texas City, Texas 77590

Captain Branch is being reappointed.

TO BE BRANCH PILOT FOR GALVESTON BAR AND THE HOUSTON  
SHIP CHANNEL for a term to expire November 6, 1996:

ROBERT M. BRATCHER  
3005 Stacy Lane  
Deer Park, Texas 77536

Captain Bratcher is being reappointed.

TO BE BRANCH PILOT FOR GALVESTON BAR AND THE HOUSTON  
SHIP CHANNEL for a term to expire October 12, 1996:

CHARLES EDWARD LARSEN  
617 Bay Vista  
Seabrook, Texas 77586

Captain Larsen is being reappointed.

TO BE BRANCH PILOT FOR GALVESTON BAR AND THE HOUSTON  
SHIP CHANNEL for a term to expire October 11, 1996:

LOUIS C. VEST  
4243 Crownwood  
Seabrook, Texas 77586

Captain Vest is being reappointed.

Respectfully submitted,

/s/Ann W. Richards  
Governor of Texas

#### **RESOLUTIONS SIGNED**

The Presiding Officer announced the signing of the following enrolled resolutions in the presence of the Senate:

H.C.R. 36  
S.C.R. 12  
S.C.R. 14  
S.C.R. 15

#### **SENATE RESOLUTION 177**

Senator Parker offered the following resolution:

WHEREAS, Diabetes is a devastating disease that poses a serious public health problem for many Texans; and

WHEREAS, Approximately 450,000 persons in Texas have been diagnosed with diabetes and another 400,000 have the disease but have not yet been diagnosed; and

WHEREAS, These numbers will steadily rise with an increasing population of high-risk Hispanic, Black, and elderly Texans; and

WHEREAS, Complications such as amputations, blindness, kidney failure, heart disease, birth defects, and strokes result from uncontrolled diabetes; and

WHEREAS, Texans pay an estimated \$2.7 billion each year for treating complications of diabetes, lost income, and costs to state-supported medical care programs; and

WHEREAS, Fifty to 60 percent of complications can be prevented with good education about diet, weight, exercise, and appropriate patient diabetes education and clinical care; and

WHEREAS, The Texas Diabetes Council has applied prevention techniques in public health settings with programs designed to save dollars and human suffering; and

WHEREAS, The council's Statewide Diabetic Eye Program has been estimated to save \$8 for every \$1 spent; and

WHEREAS, The Texas Diabetes Council as mandated by the Texas Legislature has completed A Plan to Control Diabetes in Texas for the purpose of promoting more effective interventions to help reduce illness from diabetes in Texas, to educate the public on the problems of diabetes, and to increase public support for essential diabetes services; and

WHEREAS, The American Diabetes Association has cosponsored with the Texas Diabetes Council the events of February 9, 1993, "Diabetes Day at the Capitol," to call attention to this growing health care problem in our state; and

WHEREAS, The Juvenile Diabetes Foundation, American Association of Diabetes Educators, and other concerned groups have supported the efforts of this day; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 73rd Legislature, hereby extend its concern for those with diabetes.

The resolution was read and was adopted by a viva voce vote.

#### **SESSION TO CONSIDER EXECUTIVE APPOINTMENTS**

The Presiding Officer announced the time had arrived to consider the executive appointments to agencies, boards, and commissions. Notice of submission of these names for consideration was given yesterday by Senator Barrientos.

Senator Barrientos moved confirmation of the nominees reported yesterday by the Committee on Nominations, with the exception of MARY SCOTT NABERS, Travis County, to be a Commissioner of the Railroad Commission of Texas. Ms. Nabers' nomination will be voted on separately.

The Presiding Officer asked if there were requests to sever nominees.

There were no requests offered.

#### **NOMINEES CONFIRMED**

The following nominees, as reported by the Committee on Nominations, were confirmed by the following vote: Yeas 30, Nays 0.

Absent-excused: Harris of Tarrant.

Member, Texas Alcoholic Beverage Commission: ROY ORR, Dallas County.

Member, State Board of Insurance: PAUL J. WILLIAMS, Travis County.

Members, Texas State Technical College Board of Regents: EDWARD B. ADAMS, SR., Travis County; ODELIA M. REYNA McEACHERN, Nolan County.

Members, Lamar University System Board of Regents: LANNY C. HAYNES, Jefferson County; MONA BRITTON PLUNK, Hardin County; MICHAEL RAY RAMSEY, Jefferson County; WAYNE A. REAUD, Jefferson County; MADELINE KAYE SAVOY, Jefferson County.

Members, Midwestern State University Board of Regents: MARGARET FURR DARDEN, Dallas County; OTIS C. POLK, JR., Wichita County; ROBERT G. WEST, Tarrant County.

Members, Antiquities Committee: DR. JAMES E. CORBIN, Nacogdoches County; BETTY N. MURRAY, Cameron County; DR. MARION OETTINGER, JR., Bexar County.

Members, Texas Commission on the Arts: DOROTHY ANNE CONN, Jefferson County; TIMOTHY J. CROWLEY, Brazos County; CAROLYN H. GRINSTEIN, Tarrant County; LAURENCE D. MILLER III, Travis County; DR. DAVID MONTEJANO, Travis County; RAYMOND DONALD NASHER, Dallas County; MATILDA ROBINSON, Dallas County; MARIE SWARTZ, Bexar County.

Members, Battleship Texas Advisory Board: PAULINE M. DELANEY, Harris County; AUBREY M. FARB, Harris County.

Members, Texas Historical Commission: GEORGE CHRISTIAN, Travis County; DR. CLOTILDE P. GARCIA, Nueces County; THOMAS E. KROUTTER, JR., Jefferson County.

Member, Texas Incentive and Productivity Commission: BILL B. COBB, Hays County.

Members, Department of Information Resources Board: R. D. "DAN" BURCK, Travis County; DR. DONALD L. HARDCASTLE, McLennan County.

Members, Texas State Library and Archives Commission: BARBARA SILBERBERG, Dallas County; JAMES B. STEWART, Victoria County.

Members, Texas Committee on Purchases of Products and Services of Blind and Severely Disabled Persons: KAREN A. ALLISON, Lubbock County; SUE EVANS, Williamson County; KELLEY ROY FOREHAND, Potter County; NORINE W. JALOWAY, Harris County; HOLLIS F. PINYAN, Smith County.

Members, Texas Surplus Property Agency Board of Directors: TRAVIS R. COOPER, Harris County; WALTER LOCKHOOF, Childress County; ROBERT MAYER, JR., Dallas County.

**NOMINEE CONFIRMED**

Senator Barrientos then moved confirmation of MARY SCOTT NABERS, Travis County, to be a Commissioner of the Railroad Commission of Texas.

The nominee, as reported yesterday by the Committee on Nominations, was confirmed by the following vote: Yeas 27, Nays 3.

Yeas: Armbrister, Barrientos, Bivins, Brown, Carriker, Ellis, Haley, Harris of Dallas, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Parker, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sims, Truan, West, Whitmire, Zaffirini.

Nays: Sibley, Turner, Wentworth.

Absent-excused: Harris of Tarrant.

**SENATE CONCURRENT RESOLUTION 2  
ON SECOND READING**

On motion of Senator Carriker and by unanimous consent, the regular order of business, Senate Rule 7.13 and Section 5 of Article III of the State Constitution were suspended to consider at this time on its second reading:

**S.C.R. 2**, Granting the Texas YMCA Youth and Government Program permission to use the House and Senate chambers on February 25, 26, and 27 in 1993, and February 17, 18, and 19 in 1994.

The resolution was read second time and was adopted by a viva voce vote.

**SENATE BILL 120 ON SECOND READING**

Senator Sims moved that the regular order of business, Senate Rule 7.13 and Section 5 of Article III of the State Constitution be suspended and that **S.B. 120** be taken up for consideration at this time:

**S.B. 120**, Relating to the name of a certain building constructed by the Kerrville State Hospital.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Harris of Tarrant.

The bill was read second time and was passed to engrossment by a viva voce vote.

**SENATE BILL 120 ON THIRD READING**

Senator Sims moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 120** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Harris of Tarrant.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)



**CAPITOL PHYSICIAN**

The Presiding Officer recognized Senator Barrientos, who presented Dr. Craig Shaffer of Austin as the "Doctor for the Day."

Dr. Shaffer, participating in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians, was made welcome by the Senate.

**CONGRATULATORY RESOLUTIONS**

**S.R. 181** - By Ellis: Extending congratulations to Dr. Mary desVignes-Kendrick on her selection as Director of the City of Houston's Department of Health and Human Services.

**S.R. 182** - By Carriker: Congratulating Texas Ranger Charles Kenneth Fleming on his retirement.

**S.R. 183** - By West: Congratulating Jalal Zarif on the occasion of his 10th birthday.

**S.R. 184** - By Ellis: Congratulating Judge Charles J. Hearn on his recent retirement.

**S.R. 185** - By Barrientos: Congratulating Robert Alan Hightower on achieving the rank of Eagle Scout.

**S.R. 186** - By Barrientos: Congratulating T. C. Steiner of Austin on the joyous occasion of his 93rd birthday.

**S.R. 187** - By Barrientos: Congratulating Guadalupe and George Collinge on their 25th wedding anniversary.

**S.R. 188** - By Barrientos: Congratulating Tippy Foster on her retirement after 50 years of service as a state employee.

**S.R. 189** - By Barrientos: Congratulating Marjorie Funk on her retirement after 20 years of public service with the State of Texas.

**ADJOURNMENT**

On motion of Senator Harris of Dallas, the Senate at 11:24 a.m. adjourned until 10:30 a.m. tomorrow.

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**APPENDIX**

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**REPORT OF STANDING COMMITTEE**

The following committee report was received by the Secretary of the Senate:

February 9, 1993

JURISPRUDENCE — C.S.S.B. 176

SENT TO GOVERNOR  
(February 9, 1993)

S.C.R. 12  
S.C.R. 14  
S.C.R. 15